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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,530	11/26/2001	William Frederick Ashworth	0074-450511GWW	7087

110 7590 10/17/2006

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EXAMINER

BRINICH, STEPHEN M

ART UNIT PAPER NUMBER

2625

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,530

Applicant(s)

ASHWORTH, WILLIAM
FREDERICK

Examiner

Stephen M. Brinich

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 16-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 16-20 and 25 is/are allowed.
- 6) ☒ Claim(s) 22-24 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Response filed 8/3/06 (page 7, line 7 - page 9, line 17), with respect to claims 1-7, 13-17, & 20, & 24 (as rejected under 35 USC §112) have been fully considered and are persuasive. The rejection of claims 16-17, 20, & 24 under 35 USC §112 and the rejection of claims 1-7 & 16-17 under 35 USC §102 have been withdrawn. The rejections of claims 13-15 have been obviated by their cancellation.

2. Applicant's arguments in the Response filed 8/3/06 (page 9, line 18 - page 10, line 2) re the rejections of claims 22-24 have been fully considered but they are not persuasive.

Applicant argues (8/3/06 Response: page 9, line 18 - page 10, line 2) that the halftone images recited in claims 22-24 have printing areas that are extended to join first along directions other than that of closest spacing, and that this is a structural feature of the claimed halftone images.

However, the final halftone images (which are the claimed subject matter) are patterns of dots that do not include a structural feature of extending a printing area in a specific direction. At the moment these halftone images have come into existence, the printing process has been completed, and thus is not "extended" in any direction.

Art Unit: 2625

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 22-24 & 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Coderch et al (WO 9010991 A).

WO 9010991 A discloses (Abstract) a processor configured to take digital image data input and generate a halftone image pattern.

Concerning the recitations of intended functional elements, while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. (*In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)).

Applicant's arguments in the Response filed 8/3/06 (page 9, line 18 - page 10, line 2) re the rejections of claims 22-24 have been fully considered but they are not persuasive for the reasons noted above. The same reasoning applies to new claim 26.

Allowable Subject Matter

5. Claims 1-12, 16-20 & 25 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2625

As noted above, Applicant's arguments, see Response filed 8/3/06 (page 7, line 7 - page 9, line 17), with respect to claims 1 & 16 (and dependent claims 2-7, 17, & 20) have been fully considered and are persuasive.

Claims 8 & 18 (and dependent claims 9-12, 19, & 25) are allowable for the reasons noted in the previous Office Action.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2625

8. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).


If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Art Unit: 2625

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Stephen M Brinich
Examiner
Technology Division 2625

smb 
October 4, 2006



Thomas D.
~~LEE~~
PRIMARY EXAMINER